

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HARVEY LUTHER TEEL

v.

JUAN GARCIA

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CIVIL ACTION NO. 3:23-CV-1946-S-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Petitioner's action is construed as a successive petition for a writ of habeas corpus under 28 U.S.C. § 2254, and it is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit pursuant to *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). Because an order transferring a successive application is not a final order, a certificate of appealability is not needed. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015); *Guel-Rivas v. Stephens*, 599 F. App'x 175, 175 (5th Cir. 2015) (applying *Fulton*'s holding to transfer of a successive Section 2254 application).

SO ORDERED.

SIGNED January 30, 2024.


UNITED STATES DISTRICT JUDGE